

REMARKS

The office action of June 16, 2006, has been carefully considered.

It is noted that claim 3 is rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) over the patent to Schutz in view of DE 7341620.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) over Schutz and DE 7341620, and further in view of the patent application of Lucke.

In view of the Examiner's rejections of the claims, applicant has canceled claims 2, 6 and 8-14, and amended claims 1, 3 and 7.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claim 3 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Schutz, it can be seen that this patent discloses a transport and storage container for liquids, having a pallet-shaped support frame of metal or of an electrically conducting plastic material, an exchangeable inner container of plastic material supported on the support frame and having four sidewalls, a bottom, and a top, wherein the inner container further comprises an upper closable fill socket and a lower outlet socket with a tapping fixture or an upper closable tapping socket, and an outer jacket surrounding the inner container and being comprised of grade bars of metal or sheet metal.

On the plastic inner container 2 is a sheathing 18 made of an electrically conductive material in the form of a lattice

basket or lattice hood 19 of thin metal wire. Further sheathing 18 of the plastic container 2 of the transport and storage container 1 can be a net or fabric of metal or electrically conductive plastic material, wherein the additional sheathing is wound around or pulled over the inner container 2.

Contrary to the position taken by the Examiner on page 3 of the Office Action, the plastic inner container of Schutz is not a multi-layer body, nor does the inner container have integral electrically conductive sections that form electrical connections between an inner surface and an outer surface of the inner container.

DE 7341620 discloses a transport tank made of fiberglass reinforced reaction resistant resin material for storing flammable liquids. The tank shown in Figs. 1-3 of the reference has a cylindrical jacket part 1 made by a winding process, with glued on or laminated on bottoms 2 and an electrically conductive manhole support 3. The cylindrical jacket part 1 and the bottoms 2 are transparent and contain a conductive grid 4 which at the contact positions of the jacket part and at the bottoms 2 are conductively connected through the laminate 5. The manhole

support 3 is conductively connected by the electrical conductor 6 or a different conductor with the laminate 5.

The cylindrically wound jacket part is made of a reaction resin, for example a matrix of unsaturated polyester resin and fiber reinforcements, for example glass fibers. According to the first position, the electrically conductive grid 4 is embedded to be spaced between 0.2 and 2 mm from the inner top surface by an electrically conductive fleece 7 (Fig. 2). This conductive grid extends over by a few centimeters at the ends of the cylindrical jacket part 1. Further buildup of the cylindrical jacket follows with roving winding positions 8 alternating with flat fiber glass reinforcements 9. For electrical grounding of the jacket part 1, the overlapping ends of the fleece 7 that is arranged at the inner side of the jacket part 1 is folded onto the upper side of the jacket part 1 so that there is an electrically conductive connection between the inner surface and the outer surface of the cylindrical jacket 1.

In contrast, with the blown extrusion formed multilayered plastic inner container 2 of the transport and storage container of the present invention, strips 24 of electrically conductive plastic are imbedded in the body 22, the strength of the strips

corresponding to the wall strength 27 of the inner container 2. For electrical grounding of the inner container 2, the electrically conductive strips 24 form electrical connections between the inner surface 25 and the upper surface 26 of the inner container 2.

The type and manner of the electrical grounding of DE 7341620 and the type and manner of grounding in the presently claimed invention are completely different.

The Examiner combined these references in determining that claims 1, 3 and 5 would be unpatentable over such a combination. Applicant respectfully submits that the combination of references does not teach the invention as recited in the claims presently on file.

In the present invention, as recited in claim 1, the inner container has a single-layer or multi-layer body, and has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein the electrically conducting sections form electrical connections between an inner surface and an outer surface of the inner container. The electrically conducting sections are strips having

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a thickness matching a wall thickness of the inner container, and the electrically conducting strips extend across at least one of the sidewalls and/or the corner areas between the sidewalls of the inner container. Such a construction is not taught or suggested by the combination of references cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 3 and 5 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The patent application of Lucke was also considered. It is respectfully submitted that this reference adds nothing to the references discussed above so as to arrive at the presently claimed invention. Thus, it is respectfully submitted that the rejection of claims 7 and 8 under 35 U.S.C. 103(a) is overcome and should be withdrawn.


Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and

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Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 18, 2006.

By: 
Klaus P. Stoffel

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